

23243. Dressed turkeys. (F. D. C. No. 38898. S. No. 37-266 M.)

QUANTITY: 2,165 lbs. in 36 crates at New York, N. Y.

SHIPPED: 12-19-55, from Morristown, Tenn., by Burnett Produce Co.

LBELED: 1-13-56, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter and decomposed birds; and 402 (a) (5)—contained diseased birds when shipped.

DISPOSITION: 3-12-56. Default—destruction.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

23244. Vitamin preparations. (Inj. No. 280.)

COMPLAINT FOR INJUNCTION FILED: 4-29-54, E. Dist. N. Y., against Bonded Laboratories, Inc., Brooklyn, N. Y., and Hans Lowey, president of the corporation.

CHARGE: The complaint alleged that the defendants had been and still were engaged in manufacturing, selling, and shipping directly to places outside the State of New York, and delivering to a Brooklyn firm for shipment to places outside the State of New York, various vitamin preparations which were adulterated and misbranded as follows:

402 (b) (1)—valuable constituents had been in part omitted or abstracted from a number of the articles; and

403 (a)—the labeling of a number of the articles bore false and misleading statements with respect to the nature and quantity of the ingredients contained in the articles.

The complaint alleged that the adulterated and misbranded conditions of the vitamin preparations resulted from deficiencies in the ingredients of the articles. For example, examination of samples from interstate shipments and deliveries for interstate shipment, made by the defendants of certain vitamin preparations, namely, *Siccoid Special Supplement*, *Bever Miamivites*, and *Zilifer-B tablets*, disclosed that the *Siccoid Special Supplement* contained, in one lot, 50 percent of the declared amount of vitamin D, and, in another lot, 10 percent of the declared amount of vitamin A and 5 percent of the declared amount of vitamin C; that the *Bever Miamivites* contained 10 percent of the declared amount of riboflavin; and that the *Zilifer-B tablets* contained 20 percent of the declared amount of vitamin B<sub>1</sub>.

The complaint alleged further that the defendants were well aware that their activities were violative of the Act. Several inspections were made of the defendants' plant in Brooklyn, N. Y., by inspectors of the Food and Drug Administration, between 2-13-51 and 2-8-54, at which times the defendants were informed of certain inadequacies in their control system for the manufacture of the articles, namely, the failure to assay the raw materials used; the lack of care in identifying containers of raw materials, batches of the articles during processing, and the finished articles; the lack of an adequate checking system to insure that the proper amounts of the various chemicals were put into the batches of the chemicals being processed; and the practice of making very few assays of the finished articles.

The defendants were warned that such inadequacies would result in errors of composition and labeling with respect to the articles manufactured, and that such inadequacies would also result in the articles being adulterated and mis-

branded as aforesaid. The defendants had been warned also by 4 seizures and also by a notice of hearing. Despite such warnings, the defendants continued to introduce and deliver for introduction into interstate commerce articles which were adulterated and misbranded as described above.

The complaint alleged also that certain drugs were adulterated and misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

**DISPOSITION:** On 4-29-54, the court entered a temporary restraining order, under which the defendants were temporarily restrained from commission of the acts complained of. Thereafter, with the consent of the parties, the temporary restraining order was continued in effect pending the final determination of the matter.

On 12-12-55, a consent decree of permanent injunction was entered against Bonded Laboratories, Inc., its agents, servants, employees, and representatives, and all and any persons in active concert or participation with them; and against the president of Bonded Laboratories, Inc., whether in connection with such corporation, or independently; enjoining them against introducing or delivering for introduction into interstate commerce any foods and drugs which are adulterated and misbranded as charged in the complaint, and which are manufactured, prepared, and packed by Bonded Laboratories, Inc., without the utilization of good controls necessary to the end that an article of proper composition is purchased and shipped.

**23245. Vitamin preparations.** (F. D. C. No. 38882. S. Nos. 32-152/3 M, 32-212/3 M.)

**QUANTITY:** 410 24-oz. btls. of *Hadacol*; 12 cases, 120 packages each, of *Thyavals Vitamin-Mineral Combination*; 50 32-oz. btls. of *liquid Rybutol*; and 703 100-gelucap btls. of *Rybutol*, at Philadelphia, Pa.

**SHIPPED:** Sometime during the 4 years preceding the filing of the libel, from Lafayette, La., Los Angeles, Calif., Chicago, Ill., and Newark, N. J.

**RESULTS OF INVESTIGATION:** Analyses showed that the articles contained less than the declared amounts of vitamin B<sub>1</sub>.

**LIBELED:** 12-28-56, E. Dist. Pa.

**CHARGE:** 402 (b) (1)—a valuable constituent, vitamin B<sub>1</sub>, had been in part omitted or abstracted from the articles while held for sale; and 403 (a)—the label statements (*Hadacol*) "The Recommended Adult Daily Intake of 4 Tablespoonfuls (2 Fl. Ozs.) Contain \* \* \* B<sub>1</sub> (Thiamin Hydrochloride) ----- 6 mg."; (*Thyavals Vitamin-Mineral Combination*) "One Red Thyaval Tablet Formula 621 provides: \* \* \* Vitamin B<sub>1</sub> (thiamin HCl) 10 Mg."; (*liquid Rybutol*) "Each two tablespoonfuls (approx. 28.5 cc) contains: Thiamin Hydrochloride (B<sub>1</sub>)----- 15 mg."; and (*Rybutol Gelucaps*) "Each *Rybutol Gelucap* Contains: Vitamin B<sub>1</sub> (Thiamin Chloride) 15 mg." were false and misleading.

**DISPOSITION:** 1-30-56. Default—destruction.

**23246. Vitamin preparation.** (F. D. C. No. 39015. S. No. 45-895 M.)

**QUANTITY:** 9 cases, 24 8-oz. btls. each, at Camden, N. J.

**SHIPPED:** During 1954, from Philadelphia, Pa.

**RESULTS OF INVESTIGATION:** Analysis showed that the article contained less than 67 percent of the declared amount of vitamin B<sub>1</sub>.